

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

EMPLOYERS & OPERATING)	
ENGINEERS LOCAL 520 PENSION)	
FUND, et al.,)	
)	
Plaintiffs,)	Case No. 3:09CV220-DRH
)	
v.)	
)	
MARTIN BACKHOE SERVICE, LLC,)	
)	
Defendant.)	

ORDER

This is an action to collect delinquent fringe benefit contributions pursuant to Section 301 of the Labor Management Relations Act of 1947, as amended, 29 U.S.C. §185, and pursuant to Section 502 of the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. §1132.

Defendant Martin Backhoe Service, LLC was served with the summons and complaint on April 1, 2009, and has not filed an answer or otherwise appeared in this matter. The Clerk of the Court has entered a default.

Pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, plaintiffs have moved the Court for an order compelling an accounting for purposes of establishing the amounts allegedly owed to plaintiffs. Plaintiffs have established by affidavit that defendant was obligated to remit fringe benefit contributions and is delinquent in its obligations to make reports and contributions to the plaintiffs. The only means by which the plaintiffs can determine the amounts owed is through an audit of defendant's books and records.

WHEREFORE, defendant is hereby ordered to provide to plaintiffs within thirty (30) days of the date of this order all of the books, ledgers, payroll records and other documents reflecting or pertaining to all hours worked by and wages paid to its employees from January 1, 2008 to date.

The Court reserves jurisdiction to make such further orders and grant such additional relief, including but not limited to the entry of final judgment, as it deems appropriate.

SO ORDERED:

/s/ David R. Herndon

CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATE: July 14, 2009